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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Siebre Josephus Schaafsma

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EXAMINER

HOANG, DANIEL L

ART UNIT

PAPER NUMBER

2436

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/509,724	Applicant(s) SCHAAFSMA, SIEBREN JOSEPHUS	
	Examiner DANIEL L. HOANG	Art Unit 2436	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-36 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

CLAIMS PRESENTED

Claims 21-36 are currently pending.

Response to Arguments

Applicant's arguments filed 5/19/09 have been fully considered but they are not persuasive.

Applicant argues the following:

a) Candelore and Lorello fail to route the content file parts and the decrypting key via separate networks because it is not likely that a person skilled in the art would be encouraged to combine the two references.

b) Candelore does not disclose a second, much less a third network, therefore, Candelore cannot send a second encrypted part to the end user via a second network.

c) Candelore does not send descrambling keys.

d) Lorello does not disclose the use of separate networks to send two parts of the content file or an encrypted key.

e) It would not be obvious to modify Candelore to include a multiple network distribution system as taught by Ogdon.

In response to a), examiner respectfully disagrees. The Lorello reference teaches at col. 1, lines 33-48, an example of the invention wherein the sender accesses a wide area network such as the Internet or the Public Telephone Switching Network. The short message from the sender, via a gateway, is delivered to the recipient via another gateway and a local area network and/or wireless network. Lorello also cites that the recipient may comprise a computer device connected either through LAN or direct modem connection. Examiner believes this to be enough to show that a combination of the references would lead to a reasonable expectation of success. As far as motivation, Examiner has cited in the previous action that it would be advantageous to modify the Candelore reference so that the recipient could receive keys even during periods of inactivity.

In response to b), examiner respectfully disagrees. Examiner admits that Candelore does not disclose multiple networks. The Ogden reference is relied upon to teach this limitation. This argument is moot.

In response to c), examiner respectfully disagrees. Col. 7, lines 17-30 clearly teach descrambling keys.

In response to d), examiner respectfully disagrees. Lorello is not relied upon to disclose multiple networks. The Ogden reference is relied upon to teach this limitation. This argument is moot.

In response to e), examiner respectfully disagrees. The Ogden reference is related to sending content data such as audio and video efficiently in order to reduce costs. Candelore is related to the sending of content, also audio and video data. Examiner does not believe it to be unreasonable to expect one of ordinary skill in the art to combine the two references.

CLAIM REJECTIONS

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Candelore and further in view of Lorello, US Patent No. 6751463, and further in view of Ogdon, US Patent No. 6598075.

As per claim 21, 27, 31:

A sender for transmitting a content file to a receiver, said sender comprising:
means for dividing the content file into a first part and a second part;

[see col. 6, lines 25-46, wherein the content is divided into audio and video]

means for sending the first part to the end user terminal via at least one cache server in a first network, wherein the first part is an unencrypted portion of the content file;

[see col. 6, lines 25-46, wherein the video portion is unencrypted]

means for encrypting the second part without using the at least one cache server, wherein the second part is an encrypted portion of the content file;

[see col. 6, lines 25-46, wherein the audio portion is encrypted]

security server means for providing a key necessary for decrypting the encrypted second part;

[see col. 7, lines 17-30, "descrambling keys"]

means for sending the encrypted second part to the end user terminal via a second network

[see col. 6, lines 25-46, wherein the audio portion is provided by the encryption system]

The Candelore reference is mute in teaching that the decryption key is sent to the end user terminal via a short message service (SMS) network and that the key is included in a short message service message. In order to provide this limitation, examiner relies upon the Lorello reference. Lorello teaches a method for intelligent delivery and storage of various information service messages to a subscriber including short message service messages, see col. 1, lines 8-14. Lorello further teaches that the advantage in utilizing a short message service network is that the delivery of the message is guaranteed to the supported subscribers whether or not the intended recipient is "on-line" or active, see col. 2, lines 1-10. It would have been obvious to one of ordinary skill in the art to modify the above teachings Candelore with the SMS network of Lorello in order to deliver the decryption key through an SMS network. This would be advantageous in the fact that even if the recipient is inactive when a short message is originally submitted to them, the short message will be stored at the relevant SMS servicing the particular subscriber and forwarded once the subscriber once again becomes active. This guarantees that the recipient will receive the decryption key.

The Candelore and Lorello references have been discussed above. While said references teach methods for dividing content into two parts and sending the content to an end user terminal, they do not explicitly cite sending the content parts and the decryption key via different multiple networks, as is claimed by applicant. For this limitation, examiner relies upon the Ogdon reference. Ogdon teaches a method for distributing content to a plurality of content nodes via various different networks, (see col. 1, lines 54-67 and col. 2, lines 1-15). It would have been obvious to one of ordinary skill in the art to modify the combinations of the teachings taught by Candelore and Lorello above, to include the multiple network distribution system taught by Ogdon. Doing so would allow the server to cater to specific end user needs based on characteristics of the end user's system such as data transmission rate. Depending on the end user's system capabilities, he/she may want a higher or lower data transmission rate. More sensitive data may also require higher levels of encryption which may increase bandwidth, thus making it advantageous for the server to have the ability to send content through various different networks.

As per claim 22, 32:

The sender of claim 21, further comprising means for sending the encrypted second part via a different network than the first part.

[see rejection of claim 21, wherein the video is provided at the headend and the audio is provided thru multiple CA systems]

As per claim 23, 33:

The sender of claim 21, wherein said encrypted second part comprises vital data of said content file.

[see col. 6, lines 25-46, wherein audio is considered to be vital data]

As per claim 24, 34:

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The sender of claim 21, wherein the first part comprises video data and the encrypted second part comprises audio data, or the first part comprises audio data and the encrypted second part comprises video data.

[see rejection of claim 21, wherein video is clear and audio is encrypted]

As per claim 25, 35:

The sender of claim 21, wherein said sender is arranged to transmit said content file using a streaming protocol.

[see col. 21, lines 32-50]

As per claim 26, 36:

The sender of claim 21, wherein encrypted data in the encrypted second part comprises predetermined frequency components of the content file.

[see col. 6, lines 55-67]

As per claim 28:

The telecommunication system of claim 27, further comprising at least one receiver arranged for communicating with said sender via the at least one cache server and for communicating with said sender without using a cache server.

[see col. 6, lines 47-54, "set-top boxes"]

As per claim 29:

The telecommunication system of claim 28, wherein said at least one cache server is arranged for communicating with more than one sender, said more than one sender using the same or different encryption.

[see col. 6, lines 25-46, "multiple CA systems"]

As per claim 30:

The telecommunication system of claim 28, wherein said at least one cache server is arranged for communicating with more than one sender, said more than one sender using watermark techniques.

[see rejection of claim 29, further, as it is evident by applicant's disclosure in the background of the specification, it would have been obvious at the time of the invention to one of ordinary skill in the art to which the subject matter pertains to watermark data in order to protect it against illegal distribution.]

CONCLUSION

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

POINTS OF CONTACT

*. Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulaney Street
Alexandria, VA 22314

*. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Hoang whose telephone number is 571-270-1019. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Daniel L. Hoang/

Examiner, Art Unit 2436

/Nasser G Moazzami/

Supervisory Patent Examiner, Art Unit 2436